

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
CIVIL MINUTES—GENERAL

Case No. **EDCV 22-1334 JGB (SHKx)**Date **March 24, 2023**Title ***Crystal Ketchup v. Fifth Third Bank***Present: The Honorable **JESUS G. BERNAL, UNITED STATES DISTRICT JUDGE****MAYNOR GALVEZ**

Deputy Clerk

Not Reported

Court Reporter

Attorney(s) Present for Plaintiff(s):

None Present

Attorney(s) Present for Defendant(s):

None Present

Proceedings: Order DISMISSING Plaintiff's Complaint for Failure to Prosecute (IN CHAMBERS)

On June 29, 2022, pro se Plaintiff Crystal Ketchup ("Plaintiff") filed her complaint in San Bernardino County Superior Court. ("Complaint," Dkt. No. 1-1.) On July 29, 2022, Defendant Fifth Third Bank, National Association ("Defendant") removed the case. ("Notice of Removal," Dkt. No. 1.) On September 12, 2022, on the basis that the Complaint failed to state a cognizable claim and that Plaintiff did not file an opposition to Defendant's Motion to Dismiss ("MTD," Dkt. No. 7), the Court granted Defendant's MTD with leave to amend. ("MTD Order," Dkt. No. 18.) In its MTD Order, the Court ordered Plaintiff to file an amended complaint no later than September 26, 2022, and warned Plaintiff that failure to do so would result in dismissal of the action. (*Id.* at 2.) As of the date of this order, Plaintiff has failed to file an amended complaint and has failed to prosecute her case.

Federal Rule of Civil Procedure 41(b) grants the Court authority to sua sponte dismiss actions for failure to prosecute or failure to comply with court orders. *See* Fed. R. Civ. P. 42(b); *Wolff v. California*, 318 F.R.D. 627, 630 (C.D. Cal. 2016). Plaintiffs must prosecute their cases with "reasonable diligence" to avoid dismissal pursuant to Rule 41(b). *Anderson v. Air W., Inc.*, 542 F.2d 522, 524 (9th Cir. 1976). Plaintiff has failed to adhere to the Court's order to file an amended complaint for approximately six months. The Court finds that Plaintiff has failed to prosecute this case with reasonable diligence and that dismissal is therefore appropriate.

Accordingly, the Court **DISMISSES** Plaintiff's action for failure to prosecute and **DIRECTS** the Clerk to close the case.

IT IS SO ORDERED.